

REMARKS

Claims 1-4, 7-11, 14-18 and 21-23 are pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks herein.

Examiner Interview

Applicants thank Examiner Kang for the courtesies extended to Applicants' undersigned representative during the telephonic Examiner Interview on April 13, 2009. During the Examiner Interview, proposed claim amendments in view of the asserted references were discussed.

Claim Rejections – 35 U.S.C. §103

Claims 1-4, 7-11, 14-18, and 21-23 are rejected under 35 U.S.C. §103(a) as being unpatentable over allegedly Admitted Prior Art ("APA") disclosed in the instant application, in view of U.S. Patent 5,732,275 to Kullick et al. ("Kullick"), and further in view of U.S. Patent 6,389,592 to Ayres et al. ("Ayres"). This rejection is respectfully traversed.

As discussed in Applicants' previous response, which is incorporated herein by reference in its entirety, each of claims 1, 7 and 14 include the features of:

- modifying the remote application at the remote site to generate a modified remote application;
- retrieving, if it is determined that the local copy is not present on the local site, the local copy from the remote site; and
- loading the altered local copy into the debugging system and debug, using the communication link between the first and second routers, the loaded local copy of the remote application at the local site.

The Examiner explicitly admits that none of the asserted references disclose these features (see the instant Office action at pages 3, 4 and 5, respectively). In the absence of a reference that

discloses such features, the Examiner simply states that it would have been obvious to one skilled in the art to modify the asserted references to include the respective features.

With regard to the above-identified feature of modifying, the Examiner simply states that the application "can be modified if needed," and concludes that "[t]herefore, it would have been obvious ... to modify APA's disclosed system to modify the application located at the remote site..." (see the instant Office action at page 3). With regard to the features of retrieving and loading, the Examiner simply concludes that it would be obvious to modify the asserted references to include these features (see the instant Office action at pages 3 and 4).

Applicants again remind the Examiner that, under MPEP § 2144.03(A), such a simple assertion that a feature is obvious in the absence of a reference disclosing the feature can only be made by the Examiner where the facts asserted to be well-known, or to be common knowledge in the art, are capable of instant and unquestionable demonstration as being well-known. See MPEP § 2144.03(A). The Examiner is prohibited from making such an indication without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. See *Id.*

In Applicants previous response, Applicants respectfully asserted that at least one or more of the above-identified features is not capable of instant and unquestionable demonstration, and noted that none of the asserted references describe these features. Applicants again respectfully assert that these features are ineligible for an indication of obviousness, and again request that the Examiner provide documentary evidence if the rejection is to be maintained. See MPEP § 2144.03(C).

The Examiner has provided no such documentary evidence in response to Applicants' previous request. Instead, the Examiner's response addressed other claim features such as establishing a communication link, and downloading, at a remote site, an application to run as a remote application (see the instant Office action at pages 8-9). The Examiner did not address the three specific claim features discussed above.

For at least the foregoing reasons, reconsideration and withdrawal of the rejections are respectfully requested.

In an effort to advance prosecution, the Applicants have again amended claims 1, 7 and 14 to further define the invention over the asserted references. As amended herein, each of

claims 1, 7 and 14 include the features of providing an identification mark from the remote site to the local site using a communication channel other than the communication link, determining, based on the identification mark, whether a plurality of local copies of the remote application are present on the local site, and determining, based on receiving the timestamp, a local copy of the remote application from the plurality of local copies, if the plurality of local copies is present on the local site. As discussed in further detail herein, the alleged APA fails to disclose at least these features of each of claims 1, 7 and 14. Both Kullick and Ayres fail to cure the deficient disclosure of the APA.

As noted in Applicants' previous response, the disclosure of the alleged APA is limited to only the features illustrated in Figs. 1 and 2. The APA does not disclose any of the above-described features of each of claims 1, 7 and 14. More specifically, the alleged APA fails to disclose providing an identification mark from the remote site to the local site using a communication channel other than the communication link. The alleged APA of Figs. 1 and 2 merely illustrate a remote site connected to a local site via a single communication link, and do not illustrate a separate communication channel, much less a separate communication channel for providing an identification mark from the remote site to the local site.

The alleged APA of Figs. 1 and 2 also fail to describe the features of determining, based on the identification mark, whether a plurality of local copies of the remote application are present on the local site, and determining, based on receiving the timestamp, a local copy of the remote application from the plurality of local copies, if the plurality of local copies is present on the local site. Again, the alleged APA of Figs. 1 and 2 merely illustrate a remote site connected to a local site via a WAN. The APA does not illustrate determining whether a plurality of local copies are present based on an identification mark, and determining a local copy from the plurality of local copies based on the timestamp.

In the instant Office action, Kullick has again been asserted as disclosing the features of receiving a timestamp indicating when the remote application was last modified, and determining, based on receiving the timestamp, whether a local copy of the remote application is present on the local site. Ayres has again been asserted as disclosing the features of determining delta information that identifies differences between a local copy as originally downloaded with the remote application and the modified remote application, retrieving delta information from the

remote site, and using the retrieved delta information to alter the local copy to match the modified remote application.

Kullick and Ayres have not been asserted as disclosing, nor do they disclose the features of providing an identification mark from the remote site to the local site using a communication channel other than the communication link, determining, based on the identification mark, whether a plurality of local copies of the remote application are present on the local site, and determining, based on receiving the timestamp, a local copy of the remote application from the plurality of local copies, if the plurality of local copies is present on the local site.

In view of the foregoing, the alleged APA, Kullick and Ayres, taken either alone or in combination, fail to disclose or render obvious the above-described features of each of claims 1, 7 and 14. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Each of claims 2-4, 8-11, 15-18 and 21-23 ultimately depends from one of claims 1, 7 and 14, which define over the asserted art, as discussed in detail above. Consequently, each of claims 2-4, 8-11, 15-18 and 21-23 also define over the asserted references for at least the same reasons. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

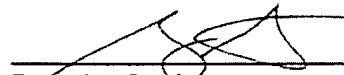
CONCLUSION

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, objection, issue, or comment, including the Office action's characterizations of the references, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation. Since the amendments made herein have been made solely in an effort to expedite advancement of this case, the Applicants reserve the right to prosecute the rejected claims in further prosecution of this or related applications. Applicants respectfully request consideration of all filed IDS' not previously considered, by initialing and returning each Form 1449.

No charges are believed due. However, if any fees are due, they are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 13913-0053001.

Respectfully submitted,

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